



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Infrastructure and Land Use Committee**

Tuesday, January 17, 2006

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 1030  
Miami, Florida 33128  
305-375-4354

**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Analysis**

**Infrastructure and Land Use Committee  
Meeting Agenda**

**Tuesday, January 17, 2006**

Written analyses for the below listed items are attached for your consideration in this Legislative Analysis.

**Item Number(s)**

2(B)	3(B) & 3(B) Sub.
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Additional information for the below listed item(s) is attached for your consideration in this Legislative Analysis.

4(B)	
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If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Elizabeth Owens, Legislative Analyst  
Troy Wallace, JD, Legislative Analyst

**LEGISLATIVE ANALYSIS**

**ITEM 3B**                      *ORDINANCE RELATING TO ANNEXATION; PROVIDING  
EXCEPTION TO MITIGATION PAYMENT FOR ANNEXATION  
OF ENCLAVE AREA*

**ITEM SUB 3B**              *ORDINANCE RELATING TO ANNEXATION; PROVIDING  
EXCEPTION TO MITIGATION PAYMENT FOR ANNEXATION  
OF ENCLAVE AREA*

Commissioner Carlos A. Gimenez

**I. SUMMARY**

***ITEM 3B:***

This item provides that annual mitigation payments shall not be required as a condition when a municipality seeks to annex an enclave area. This item provides the exception to all enclaves in Miami-Dade County. (Enclaves in CBIs and enclaves that are not in CBIs)

***ITEM SUB 3B:***

This item provides that annual mitigation payments shall not be required as a condition when a municipality seeks to annex an enclave area that is not located in a CBI. This item narrows the amount of enclaves that meet the exception, to enclaves that are not in CBIs.

**II. PRESENT SITUATION**

- Pursuant to the Miami-Dade County Home Rule Charter, the Board of County Commissioners has the power to enter into contracts and other agreements with municipalities.
- County mitigation fee agreements were first established in 2000 to offset the loss of tax dollars from more affluent communities (donor communities) which are needed to set off the cost of services provided to less affluent communities (recipient communities).
- Miami-Dade County is currently receiving mitigation payments for services provided to areas within county boundaries that have incorporated, such as Cutler Bay, Doral, Miami Gardens, Miami Lakes, and Palmetto Bay
  - ❑ Mitigation payment requirements were not in place prior to the incorporation of Key Biscayne, Sunny Isles Beach, Pinecrest, and Aventura.

## INLUC ITEM 3B & SUB 3B

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- The Board has the authority to determine the actual amount of a municipality's annual mitigation payment as well as how the payment will be calculated into the future.

### III. POLICY CHANGE AND IMPLICATION

- The proposed legislation provided by Item 3B and Item Sub 3B state:

[I]t is provided, however, that the Board of County Commissioners shall not require annual mitigation payment as a condition of a municipal payment as a condition of a municipal boundary change where a municipality seeks to annex an enclave area as that term is defined in Section 20-7(c).

- Pursuant to Section 20-7(c) of the Miami-Dade County Code, an unincorporated enclave is an unincorporated area surrounded on more than 80 percent of its boundary by one or more municipalities and of a size that could not be serviced efficiently.
- The proposed ordinance will continue to allow the County to seek mitigation payments in their negotiations with municipalities seeking annexation of enclave areas. However, it does not mandate mitigation payments as a condition required in annexations for enclave areas.
- Although, the Board currently has the power to determine the value of an annual mitigation payment for any annexation agreement, mitigation payments are still a required condition. This amendment allows the Board the flexibility to negotiate enclave area annexations on a case by case basis without the condition of having mitigation payments.

### IV. ECONOMIC IMPACT

*The County Manager's memo states, that four (4) of the fifteen existing enclaves are currently donor areas providing a loss to the UMSA budget and negative fiscal impact of \$ 1,472,408 .*

<u>Enclave Area (Donor)</u>	<u>Net Revenue Loss to UMSA Budget</u>
1. El Portal	\$ 16,646
2. Hialeah	\$ 64,059
3. High Pines	\$ 1,331,591
4. Opa Locka	\$ 60,112
TOTAL	\$ 1,472,408

## **INLUC ITEM 3B & SUB 3B**

**January 17, 2006**

Important to Note:

- The City of Coral Gables has recognized the High Pines area within their Annexation proposal.

### **V. COMMENTS AND QUESTIONS**

N/A

## **LEGISLATIVE ANALYSIS**

### ***ITEM 2(B) RESOLUTION APPROVING CHANGE ORDER NUMBER 1 TO STORM DRAIN CLEAN OUT CONTRACT NUMBER STDC2 WITH ENVIROWASTE SERVICES, INC.***

*Department of Environmental Resources Management*

#### **I. SUMMARY**

This Resolution approves a change order to modify a storm drain maintenance contract between Envirowaste Services, Inc. and Miami-Dade County, allowing for a \$60,000 increase in the awarded amount.

#### **II. PRESENT SITUATION**

In Fiscal Year 2005, the County allocated \$1.1 million, from the Storm Water Utility Fund, for cleaning and maintenance of the storm water drainage system. Contracts for Project Nos. STDC1 and STDC2 were awarded in the amount of \$400,000 each along with \$300,000 for inspection services for both contracts.

The inspection services cost was less than projected and according to staff, Envirowaste Services, Inc., the STDC2 contractor, was more productive and finished earlier than the other contractor.

Furthermore, the underground drainage system has been severely impacted due to a very active 2005 Hurricane season.

#### **III. POLICY CHANGE AND IMPLICATIONS**

This Resolution would utilize the surplus inspection funds in order to clean drains impacted by Hurricanes Katrina and Wilma.

#### **IV. ECONOMIC IMPACT**

The actual inspection service cost was less than projected; therefore, the \$60,000 surplus (15% of the original contract) added to the STDC2 contract increases the awarded amount to \$460,000.

No new funds would be allocated to increase the contract to \$460,000. The \$1.1 million allocated from the Storm Water Utility fund would remain the same; however, the amount distributed among the two contracts and the inspection service cost would differ.

**INLUC ITEM 2(B)**  
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**V. COMMENTS AND QUESTIONS**

**Item 2(F)**, Contract Award for Storm Drain Clean-out-Project No. STDC3 (Countywide), authorizes the allocation of \$1.1 million in Storm Water Utility Funds for fiscal year 2006. This item allows for one contractor, Florida Utilities, Inc., to be awarded \$800,000 for cleaning and maintenance of the storm water drainage system and for \$300,000 to be allocated towards inspection services.

## ADDITIONAL INFORMATION

<b><u>Item#</u></b>	<b><u>Subject Matter</u></b>	<b><u>Comments/Questions</u></b>
4B	<ul style="list-style-type: none"> <li>Resolution ratifying the County Manager's action in authorizing capital improvement contracts pursuant to the "Expedite Ordinance".</li> </ul>	<ul style="list-style-type: none"> <li>TGK Correctional Center New Negative HVAC System:               <ul style="list-style-type: none"> <li>The third and final change order provided an increase to the contract in the amount of \$143,783.18 as well as a contract extension of 317 days for the increase in scope of work and unforeseen conditions.</li> </ul> </li> <li>Although, this is the final change order, it is one of three change orders that have asked for monetary increases as well as time extensions due to changes to the scope of work and addition unforeseen conditions.</li> <li><b>Attachment 1:</b> Memo from the County Manager to the BCC (Dated: March 24, 2005)</li> <li><b>Attachment 2:</b> Memo from GSA to OCI (Dated: November 15, 2005)</li> <li><b>Attachment 3:</b> Project Description for Change Order 3 (Line Item)</li> </ul>

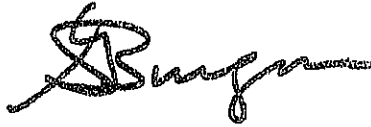


# Memorandum



**Date:** March 24, 2005

**To:** Honorable Mayor Carlos Alvarez  
Honorable Chairman Joe A. Martinez and Members  
Board of County Commissioners

**From:** George M. Burgess  
County Manager 

**Subject:** Turner Guilford Knight Correctional Center – New Negative Air HVAC System Project for the Medical Housing Unit

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In an effort to keep you fully informed of upcoming change orders, I am providing the following information on a project that has encountered unforeseen conditions.

At the September 9, 2004 meeting, by Resolution No.R-1079-04, the Board approved Retroactive Change Order No. 2 to the contract with TGSV Enterprises, Inc., for the Turner Guilford Knight Correctional Center New Negative Air HVAC System Project for the Medical Housing Unit. At that time, TGSV was able to complete the Phase I, medical housing area of the project, and commenced work on Phase II, which includes the clinic area of the project.

During Phase II, TGSV encountered the following unforeseen conditions:

- The existing water and sanitary lines are not located where shown to be on the as-built plans; therefore, the lines must be moved in order to allow access for the new ductwork.
- There are electrical code violations that must be brought up to code expeditiously, as these are life/safety concerns.
- There are perforations throughout the firewall that are not shown on the as-built plans that must be patched and sealed before the new ductwork is installed.
- The air ducts shown in the construction documents need to be re-sized and re-routed due to restricted ceiling space found during demolition.

In order to avoid delays to this project, correct life/safety violations, and possible liquidated damages, authorization has been given to TGSV to proceed with the work. Staff is working on the change order and will schedule it for the next available Community Outreach, Safety & Healthcare Administration Committee and subsequent Board meeting.

Please be advised that while this project is taking place at the Turner Guilford Knight Correctional Center it is not related to the life/safety project.

## Memorandum

MIAMI-DADE  
COUNTYCLERK OF THE BOARD  
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CLERK OF THE BOARD

**Date:** November 15, 2005

**To:** Roger Hernstadt, Director  
Office of Capital Improvements

**From:** *Wendi J. Norris*  
Wendi J. Norris, Interim Director  
General Services Administration

**Subject:** Contract No.: W50093 Project #5202-P008  
Change Order No. 3 for the Turner Guilford Knight Correctional Facility  
New Negative Air HVAC System

Per your request, this memorandum confirms that the Turner Guilford Knight New Negative Air HVAC System Project received Substantial Completion from the Building Department on August 25, 2005. Therefore, we respectfully request that Change Order No. 3 for the above mentioned project be approved in order to compensate the contractor for work that was completed through August 25, 2005.

While the Building Department granted Substantial Completion at the time of final inspection, some last minute repairs were requested that the contractor was authorized to make as part of the punch list. Staff is in the process of negotiating some outstanding issues and will submit a final change order to your department for review and approval.

Should you require further information, please give me a call.

c: Jose R. Perez, Director, GSA/Construction Management and Renovation Services Division  
Vicente Rodriguez, Manager, GSA/Construction Management Section  
Carlos Placeres, Project Manager, GSA/CMRS  
Ruth Castellanos, Contracts Section, GSA/CMRS

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ENTERPRISES, INC.

General Contractor / Construction Manager

05/23/05

PROJECT NAME: TURNER, GUILFORD, KNIGHT  
RCO

RCO #	DESCRIPTION	AMOUNT
<del>#01.2</del>	<del>Provide storage trailer @ site for Owner's use - 1 cont. 8x20 &amp; 1 cont. 8x40 del &amp; p/u charge one time x 2 per month rental - 8x20 per month rental - 8x40</del> REVISED TO INCLUDE ADJUSTEMENT TO 25% Overhead & Profit cost	<del>8,516.52</del>
<del>#29.0</del>	Complete 2nd floor duct work after approval of RCO#14.4	2,886.00
<del>#40.0</del>	Per L. Villogas @ mtg. 10/27/03 to remove temp. fence & materials next to new HVAC housing area.	1,189.00
<del>#44.0</del>	<del>RFI#60 dated 12/18/03 modify 3 B/A drops with baffles</del>	<del>849.00</del>
<del>#42.0</del>	<del>Exhaust Fan tie to new fire alarm.</del>	<del>1,454.00</del>
#43.0	Owner's request to provide credit for Phase I sod due to other contractor presently occupying Phase I staging area	(386.82)
#45.0	Extend Builder's Risk Insurance beyond May 31, 2004	7,486.00
#50.1	Owner's request temp. grilles be installed @ returns 5 locations.	1,214.00
#53.0	Blder's Rick policy extension thru August 31, 2005	2,339.00
#56.1	Owner's directive of Test & Balance on project prior to project completion of Phase I. REVISED AS THIS RCO IS AGREED TO BASED ON A/E'S OFFER ON 7/15/05	2,329.00
#57.0	Owner's failure to provide TGSV access to Phase II on 01/25/05	397.00
#58.0	Per response to RFI#66 - firestopping @ various existing penetrations throughout fire wall @ perimeter of Phase II	7,867.00
#59.1	A/E'S Directive to provide electrical code violation repairs - RFI#67	48,781.00
#60.0	A/E's direction ref. RFI#67 - relocate & re-route existing water & sanitary lines to allow access for new duct work @ Cor. 1077, Staff Toilet 1067 above ceiling	22,772.00
#61.0	Per Site walk-thru 3/1/05 - provide patching to assure smoke tight walls	1,532.00
#62.2	Additional work as per A/E directives associated with preliminary duct work shop drawings and to accommodate existing site conditions. With quantities and unit prices as agreed in 04/28/05 meeting. ADJUSTED FOR TIME IMPACT TO PROJECT SCHEDULE	42,054.00
64.1	Additional calendar days for required sanitary work and duct work. ADJUSTED FOR TIME APPROVED BY A/E IN RCO#6.2. AS AUTHORIZED BY A/E ON 05/17/05	5,200.00

5457,591.70

143,783.18

Above list is recommended by A/E for approval with an agreed to revised Completion Date August 28, 2005

TGSV Enterprises, Inc., Roy Rodriguez

Dated

LAURA M. PEREZ &amp; ASSOC., Laura M. Perez

Dated

5-24-05